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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VAUGHAN, MICHAEL R

ART UNIT

PAPER NUMBER

2431

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DELIVERY MODE

07/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,939

Applicant(s)

KAMPERMAN ET AL.

Examiner

MICHAEL R. VAUGHAN

Art Unit

2431

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 31 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

The instant application having Application No. 10/531,939 is presented for examination by the examiner. Claims 22-30 have been canceled. Claims 1-21, 31, and 32 are pending.

Response to Amendment

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The specification is objected to because it lacks the appropriate section headers.

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

TITLE OF THE INVENTION.

CROSS-REFERENCE TO RELATED APPLICATIONS.

STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.

BACKGROUND OF THE INVENTION.

Field of the Invention.

Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

BRIEF SUMMARY OF THE INVENTION.

BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

DETAILED DESCRIPTION OF THE INVENTION.

CLAIM OR CLAIMS (commencing on a separate sheet).

ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

This is a guideline and Examiner suggests amending the specification with the appropriate headers.

Claim Rejections - 35 USC § 101

Current amendments overcome the previous 101 rejection.

Response to Arguments

Applicant's arguments filed 5/18/09 have been fully considered but they are not persuasive. The following interpretation of the prior art is solely based on the current set of claims and arguments submitted by the Applicant. It is not the only possible interpretation of the prior art and may be altered when/if the claims and/or arguments change. The claims are rejected by the entirety of teachings found in the prior art not the just the highlighted sections. Examiner respectfully maintains that Jonsson discloses authorizing operation on content by a first user upon receipt of information from the first user that links the first user and a second user who is authorized to perform the operation as members of a common authorized domain. Applicant's rebuttal to this, centers on features not recited in the claims. Applicant alleges the

difference between the claimed invention and that taught by Jonsson is that the claimed invention is portable. The claims are not narrow enough in scope to support this argument. There are no features commensurate with the idea that this request is done on-the-fly without any prearrangement. The independent claims merely require that the operation is authorized after the machine receives a user right and input from the first user.

In Jonsson, the first and second users' roles are reversed from that of the claims. With this interpretation, Jonsson's first user performs the functions of the claim's second user and likewise for Jonsson's second user. It is merely a difference in naming, not a difference in functionality. Jonsson teaches that a user can give another user access to content (pg. 9, lines 10-20). Both the claims and Jonsson have a user which gives authority and another user which receives that authority. The authority profile is used to grant/deny operations. When the first user of Jonsson creates an authority profile for the second user (claim's first user), said first user is logged into his client structure. The first user has all rights to that first client structure as the super-user of it. When the authority profile is created it creates a link between the first user and second user. The content in the client structure can then be protected from any operation that the first user does not allow for the second user. Because the authority profile was created by the first user it automatically identifies the first user who has authorization to perform any command. The important part of the authority profile is the permissions given to the user logging in (claim's first user) so that when the claim's first user logs in, ('receipt of information'), the operation can be authorized.

In the claims, the user right certificate can be interpreted as belonging to the 'super user' who allows operations by the other user or belonging to the other user and being signed by the 'super user' so that the system knows it is authentic. The claims do not require the certificate to explicitly govern what the first user does. Only the association to the second user is required by the claims in order to perform the operation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 6, 8-10, 12, 13 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Jonsson (WO 01/76294 A1).

With respect to claim 1, Jonsson discloses the limitation of "authorizing an operation on a machine requested by a first user on a content item comprising: receiving, at the machine, a user right that identifies a second user and authorizes the second user to perform the requested operation on the content item, and authorizing the operation on the machine by the first user upon receipt of information from the first user (col. 7, lines 27-35) that links the first user and the second user as members of a

common authorized domain" (page 2, lines 30-43) as a first user in a first client structure is provided with the ability to give a second user assigned to a second client structure authority to access said first client structure. It is further noted that both users are registered with the access provider (page 4, lines 14-18) and users in client structures are provided access to services where service is defined as any type of information or object which may be accessible or subject to manipulation (page 3, lines 17-19).

With respect to claim 2, Jonsson discloses the limitation of "the information comprises one or more domain certificates identifying the first and second users as members of the authorized domain" (page 2, lines 24-31) as a client structure, associated with a service provider, includes a number of associated services made available by the access provider and at least one assigned user. Further more, Jonsson (page 8, lines 20-25) states that when a user in a client structure wishes to use or order a certain service, he sends a signal from his home page to the access provider server that determines the specific service provider. Examiner interprets the described client structure to be equivalent to the domain comprising of users connected by predetermined relationships. Therefore, when the access provider determines if a user and a service provider belong to the same client structure, it is equivalent to determining if a user and a service provider belong to the same domain.

With respect to claim 3, Jonsson teaches that all users have authority profile which links them to services of a service provider [domain; pg. 3, lines 17-30].

With respect to claim 5, Jonsson discloses the limitation of "the operation comprises at least one of: a rendering of the content item, a recording of the content item, a transfer of the content item and a creation of a copy of the content item" (page 7, lines 11-14) as a super-user in this client structure will assign the new employee thereto, with access to said piece of information. The level of authority will e.g. include "reading, but not revising."

With respect to claim 6, Jonsson teaches receiving a content right containing necessary information for performing the requested operation on the content item, the user right certificate of the second user authorizing the second user to perform the requested operation using the content right (pg. 9, lines 10-20).

With respect to claim 8, it is rejected in view of the same reasons as stated in the rejection of claim 1.

With respect to claim 9, it is rejected in view of the same reasons as stated in the rejection of claim 2.

With respect to claim 10, it is rejected in view of the same reasons as stated in the rejection of claim 3.

As per claim 12, Jonsson teaches receiving an identifier for the first user from an identification device and to perform the operation if the received identifier matches the identification of the first user in the user right of the first user (pg. 9, lines 10-20).

With respect to claim 13, it is rejected in view of the same reasons as stated in the rejection of claim 6.

As per claim 31, Jonsson teaches receiving a content right containing necessary information for performing the requested operation on the content item, the user right certificate of the second user authorizing the second user to perform the requested operation using the content right (page 7, lines 27-35)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (WO 01/76294 A1).

With respect to claim 4, Jonsson is silent in disclosing one or more domain certificates comprise a single certificate identifying the first and second users as members of the authorized domain. However, it would have been obvious since the first user is creating the certificate that he sign it and thereby authenticate it to prevent a rogue second user from forging a certificate for rights he or she does not rightfully possess. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include both users on the digital certificate to prevent illegitimate certificates.

With respect to claim 11, it is rejected in view of the same reasons as stated in the rejection of claim 4.

Claims 7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (WO 01/76294) view of Messerges et al. (US Publication 2002/0157002 A1).

With respect to claim 7, it is noted that Jonsson does not specifically disclose the limitation of "the operation is not authorized if the content right does not identify the authorized domain." However, Messerges discloses the above mentioned limitation (page 9, paragraph 0080) because only registered devices are allowed access to the content, a check-in/check-out policy is not needed and a user's experience is greatly simplified and enhanced. Security is encountered by an end-user only when adding new

devices to one or more domains. Since the devices are registered with a domain, it is understood that a device not registered with a domain will be denied access to the content. It would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate teachings of Messerges into the system of Jonsson to provide security because the devices that are not members of the authorized domain are prevented from access to the digital content.

With respect to claim 21, it is rejected in view of the same reasons as stated in the rejection of claim 7.

Claims 14 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (WO 01/76294 A1) in view of Saw et al. (US Patent 7,020,781 B1).

With respect to claim 14, Jonsson is silent in explicitly teaches at least a portion of the content right is encrypted using an encryption key for which a corresponding decryption key is available to the device. Saw discloses the limitation of "at least a portion of the content right is encrypted using an encryption key for which a corresponding decryption key is available to the device" (column 5, lines 47-50) as the initialization request may also include a session symmetric key that can be used to encrypt and decrypt data packets to be sent during the transfer of the digital content. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use encryption to increase the protection of the content in Jonsson.

With respect to claim 32, Jonsson is silent in disclosing extracting a public key from the content right and to use the extracted public key in determining whether the operation is authorized. Saw teaches this above limitation (col. 3, lines 24-28). It is well known in the art to use public/private key cryptography. Substituting known equivalent technologies which process predictable results is obvious to one of ordinary skill in the art.

Claims 15-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (WO 01/76294) in view of Wyman (US Patent 5,204,897).

With respect to claim 15, it is noted that Jonsson does not specifically disclose the limitation of "the content right is provided with a digital signature allowing verification of the authenticity of the content right." However, Wyman discloses the abovementioned limitation (column 14, lines 50-53) as the decoding algorithm using a public key for any signatures is thus used by the license server or delegatee to make sure a product use authorization is authentic. It would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate teachings of Wyman into the system of Jonsson because that would further improve the security of the digital content.

With respect to claims 16, 17, and 19, Examiner supplies the same rationale for combining the digital signatures of Wyman into the system of Jonsson. The use of a public key in a certificate is then required to check the signature. This is inherent in the art of cryptography.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (WO 01/76294) and Wyman (US Patent 5,204,897) and in further view of Moskowitz et al. (WO 01/18628 A2).

With respect to claim 18, it is noted that neither Jonsson nor Wyman disclose the limitation of "refuse to perform the operation if the digital signature cannot be verified successfully using a digital certificate associated with an authorized content provider and a digital watermark associated with the authorized content provider is present in the content item." However, Moskowitz discloses (page 3, lines 19-21) that the digital data set may be embedded with at least one robust open watermark, which permits the content to be authenticated. It would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate teachings of Moskowitz into the system of Jonsson and Wyman to improve the security of the digital content through the use of watermarks which are intended to prevent or deter unauthorized copying of digital media.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (WO 01/76294) in view of Kahn et al (US Patent 6,135,646).

With respect to claim 20, it is noted that Jonsson does not specifically disclose the limitation of "determining a robust fingerprint for the content item and to refuse to perform the operation if the determined robust fingerprint does not match a robust fingerprint comprised in the content right." However, Kahn discloses the abovementioned limitation (column 6, line 65 – column 7, line 3) as retaining a copy of the properties record for each digital object, a digital signature or other "fingerprint" of the digital object (the digital signature and other fingerprint is typically considerably smaller than the object itself) suitable for verification purposes and a temporal history list of related objects. It would have been obvious to combine teachings of Kahn into the system of Jonsson to provide improved protection for multimedia from unauthorized redistribution.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is (571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. V./

Examiner, Art Unit 2431

/William R. Korzuch/

Supervisory Patent Examiner, Art Unit 2431